

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on February 17, 2001 at 8:15 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Linda Holden (R)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HB 604 - 2-16-01**

Executive Action: **HB 563 - DPAA**

HB 585 - DP

HJR 29 - DP

HB 570 - DPAA

HB 465 - DPAA

HEARING ON HB 604

Sponsor: Rep. Joan Hurdle, HD 13, Billings said this Bill is based on Proposition 36 from California and much of the wording is taken from that Proposition. This Bill will cost a lot of money because of more treatment facilities and probation departments. She feels it can be done within the current budget. She has prepared three amendments for HB 2 which would take drastic amounts of money out of secure facilities and re-distribute it into treatment and probation. **EXHIBIT(juh40a01)**

This Bill distinguishes between a crime of violence and a non-violent felony offender. The presumption of this Bill is that the secure cells, which have been purchased at such a great price, should be reserved for those violent offenders who truly need to be separated from society and even left there longer.

The theory behind the Bill is save the secure cells for violent criminals and treat the non-violent criminals in the community.

This Bill also brings Title 53 of the Laws up to date to the current situation in terms of gambling.

Proponents: Roland Mena, Bureau Chief, Prevention Treatment, Department of Public Health and Human Services.

Opponents: None

Questions from Committee Members and Responses: Reps. Gallus, Younkin, Mangan, Clark, Curtiss, Thomas, Gutsche, Harris, Noennig to Rep. Hurdle, Mr. Mena; Ken Mordan, Chemical Dependency Officer, Department of Public Health and Human Services.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 30.0}

Closing by Sponsor: Rep. Hurdle closed the Hearing on HB 604 by saying 2% of Montanans are addicted to gambling and that would be more than 23,000 people. Approximately 180 people have gone through an industry sponsored program and 80 are currently in treatment. This affects bankruptcy and crime. Money is not spent as much on treatment as is spent on secure facilities. What this involves is a vast shift in the way the resources are allocated.

EXECUTIVE ACTION ON HB 604

Motion: REP. HARRIS moved that HB 604 DO PASS. #1

Discussion: Reps. Gallus, Newman, Laszloffy, Clancy, Peterson to Mr. MacMaster for explanation.

{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 30.0}

{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 7.4}

Motion/Vote: REP. GALLUS moved that HB 604 BE AMENDED, conceptually, section 2, line 9 to insert "1st or 2nd". #2 Motion carried unanimously 20-0.

Motion: REP. GALLUS moved that HB 604 DO PASS AS AMENDED. #3

Motion: REP. GALLUS moved that HB 604 DO PASS AS AMENDED to provide an applicability date, expiration date 12/31/2007. #4

Discussion: Rep. Gallus.

Substitute Motion: REP. YOUNKIN made a substitute motion that HB 604 BE AMENDED to add a new section 18 with an appropriation of \$100,000. #5

Discussion: Reps. Mangan, Newman, Harris.

Vote: Substitute Motion by Rep. Younkin carried unanimously 20-0.

Motion: REP. GALLUS moved that HB 604 BE POSTPONED UNTIL 3/9/01. #6

Discussion: Reps. Shockley, Younkin, Mangan, Peterson, Mr. MacMaster.

Vote: Motion #6 carried unanimously 20-0.

Chairman Shockley appointed a subcommittee to work on HB 604. Reps. Laszloffy, Chairman; Newman, Hurdle, Clancy.

{Tape : 2; Side : A; Approx. Time Counter : 7.4 - 29.7}

EXECUTIVE ACTION ON HJR 29

Motion: REP. EGGERS moved that HJR 29 DO PASS. #7

Discussion: Reps. Laszloffy, Peterson, Mangan, Curtiss, Gutsche, Clark, Gallus.

Vote: Motion #7 that HJR 29 Do Pass carried unanimously 20-0.

EXECUTIVE ACTION ON HB 563

Motion: REP. CLARK moved that HB 563 DO PASS. #8

Motion: REP. PETERSON moved that HB 563 BE AMENDED. #9

Discussion: Mr. MacMaster explained the amendment.

Vote: Motion on Peterson amendment carried unanimously 20-0.

Motion: REP. GUTSCHE moved that HB 563 DO PASS AS AMENDED. #10

Discussion: Reps. Hurdle, Noennig, Laszloffy, Clark, Clancy, Harris, Younkin, Shockley.

Motion: REP. PETERSON moved that HB 563 BE AMENDED. #11

Substitute Motion/Vote: REP. GALLUS made a substitute motion that HB 563 BE AMENDED. #12 Motion carried 12-8 with Reps. Clark, Gutsche, Hurdle, Mangan, Newman, Noennig, Peterson and Younkin voting no.

{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 29.6}

Discussion: Mr. MacMaster explained language.

Motion: REP. GALLUS moved that HB 563 BE AMENDED, conceptually, to add language described by Mr. MacMaster. #13

Discussion: Reps. Clark, Noennig, Mr. MacMaster, Shockley.

Vote: Motion #13, Gallus amendment, carried 17-3 with Reps. Newman, Noennig and Peterson voting no.

Motion/Vote: REP. CLARK moved that HB 563 DO PASS AS AMENDED. #14 Motion carried 16-4 with Reps. Newman, Noennig, Peterson and Younkin voting no.

EXECUTIVE ACTION ON HB 570

Motion: REP. SHOCKLEY moved that HB 570 DO PASS. #15

Motion: REP. SHOCKLEY moved that HB 570 BE AMENDED. #16
EXHIBIT(juh40a02)

Discussion: Rep. Shockley explained the amendments. Reps.
Younkin, Gutsche, Hurdle.

Vote: Motion on Shockley amendment #16, carried unanimously 20-0

Motion/Vote: REP. NOENNIG moved that HB 570 DO PASS AS AMENDED.
#17 Motion carried unanimously.

EXECUTIVE ACTION ON HB 585

Motion: REP. YOUNKIN moved that HB 585 DO PASS. #18

Discussion: Reps. Gutsche, Thomas, Peterson, Noennig, Curtiss,
Younkin, Clancy, Hurdle, Mangan.

Motion/Vote: REP. YOUNKIN moved that HB 585 BE AMENDED to add an
appropriation of \$100,000. #19 Motion carried 19-1 with Rep.
Peterson voting no.

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 29.9}
{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 6.2}

Motion/Vote: REP. GALLUS moved that HB 585 BE AMENDED to cancel
the Younkin amendment. #20 Motion carried 16-4 with Reps. Eggers,
Gutsche, Peterson and Thomas voting no.

Motion/Vote: REP. GALLUS moved that HB 585 DO PASS in its current
state. #21 Motion carried 14-6 with Reps. Clark, Eggers, Gallus,
Gutsche, Hurdle and Peterson voting no.

EXECUTIVE ACTION ON HB 361

Motion: REP. THOMAS moved that HB 361 BE TAKEN OFF THE TABLE. #22

Discussion: Rep. Thomas

Vote: Motion carried 12-8 with Reps. Clark, Eggers, Gutsche,
Harris, Hurdle, Mangan, Newman and Noennig voting no.

Motion: REP. THOMAS moved that HB 361 DO PASS. #23

Motion: REP. THOMAS moved that HB 361 BE AMENDED. #24 (036101 and
036102) **EXHIBIT**(juh40a03) **EXHIBIT**(juh40a04)

Discussion: Reps. Newman, Thomas, Clark, Noennig, Harris, Gutsche, Laszloffy, Hurdle, Mr. MacMaster.

Motion/Vote: REP. YOUNKIN moved that HB 361 BE TABLED. #25 Motion carried 14-5 with Reps. Adams, Curtiss, Peterson, Rice and Thomas voting no.

EXECUTIVE ACTION ON HB 465

Motion/Vote: REP. HURDLE moved to reconsider that HB 465 BE TAKEN OFF THE TABLE WITH A CONCEPTUAL AMENDMENT ASKING Mr. MacMaster to draft an amendment requiring it be put on the ballot, including the words "death penalty" or a "no death penalty but incarceration with no chance of release under any circumstance". #26 Motion carried 12-8 with Reps. Laszloffy, Adams, Clancy, Curtiss, Holden, Peterson, Rice and Thomas voting no.

Substitute Motion: REP. HURDLE made a substitute motion that HB 465 BE CONCEPTUALLY AMENDED. #27 EXHIBIT(juh40a05)

Discussion: Reps. Younkin, Harris, gave their views on the death penalty.

Substitute Motion: REP. HARRIS made a substitute motion that HB 465 BE AMENDED. #28 Withdrawn.

Discussion: Reps. Gutsche, Noennig, Newman.

Vote: Motion on substitute motion #27 carried unanimously 20-0.

Motion: REP. CLARK moved that HB 465 DO PASS AS AMENDED. #29

Discussion: Mangan, Gallus, Eggers, Thomas, Peterson, Noennig, Hurdle, Younkin.

Vote: Motion carried 19-1 with Rep. Adams voting no.

{Tape : 3; Side : B; Approx. Time Counter : 6.2 - 29.9}

{Tape : 4; Side : A; Approx. Time Counter : 0.1 - 20.3}

ADJOURNMENT

Adjournment: 11:45 A.M.

REP. JIM SHOCKLEY, Chairman

MARY LOU SCHMITZ, Secretary

JS/MS

EXHIBIT (juh40aad)